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5 Attorneys for Plaintiff  
MIKE VISMAN and NANCY VISMAN

6 **UNITED STATES DISTRICT COURT**  
7 **EASTERN DISTRICT OF CALIFORNIA**

8 MIKE VISMAN and NANCY VISMAN,

9 Plaintiffs,

10 v.

11 FCA US, LLC; THOMPSONS OF  
12 PLACERVILLE; and DOES 1 through 10,  
inclusive

13 Defendants.  
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Case No. 2:23-cv-01346-KJM-DB

**Notice of Acceptance with Offer of  
Judgment Pursuant to FRCP 68(a)**

[Complaint Filed: November 22, 2022]

**TO THE HONORABLE COURT AND ALL PARTIES AND THEIR  
ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** Plaintiffs MIKE VISMAN and NANCY VISMAN accepted Defendant FCA US LLC's Offer of Judgment Pursuant to Fed. R. Civ. P. 68 in the amount of \$124,709.92 on October 11, 2023, which is attached hereto as **Exhibit 1**. Plaintiffs hereby applies for the Entry of Judgment in the amount of \$124,709.92 pursuant to the terms of the Rule 68 attached herein.

Dated: December 14, 2023

STRATEGIC LEGAL PRACTICES, APC

*/s/ Tionna Carvalho*

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TIONNA CARVALHO  
Attorney for Plaintiffs  
MIKE VISMAN and NANCY  
VISMAN

# EXHIBIT 1

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Attorneys for Defendant  
FCA US LLC

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

MIKE VISMAN and NANCY  
VISMAN,

Plaintiffs,

vs.

FCA US, LLC; THOMPSONS OF  
PLACERVILLE; and DOES 1 through  
10, inclusive,

Defendants.

Case No. 2:23-cv-01346-KJM-DB

**DEFENDANT FCA US LLC'S  
OFFER OF JUDGMENT  
PURSUANT TO FEDERAL RULE  
OF CIVIL PROCEDURE 68**

Gordon Rees Scully Mansukhani, LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

**TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that pursuant to the provisions of Rule 68 of the Federal Rules of Civil Procedure, Defendant FCA US LLC (“FCA”), on behalf of itself, hereby offers:

1. Without admitting liability, FCA will pay Plaintiffs MIKE VISMAN and NANCY VISMAN (“Plaintiffs”), in exchange for a dismissal with prejudice as to the entire action against all defendants, **\$124,709.92**, to settle Plaintiffs’ claims against FCA for the 2017 Dodge Ram 1500, VIN 1C6RR7NMXHS882710, inclusive of any and all loan payoff amounts, civil penalties and any incidental/consequential damages, and any and all liability claimed in this action subject to proof. Such dismissal shall be filed within 5 days upon satisfaction of funding.

2. FCA will satisfy such funding obligations within 90 days after execution and return of this offer.

3. If the parties are unable to resolve attorney’s fees and costs, Plaintiffs may seek reasonable costs, expenses and attorneys’ fees pursuant to a properly noticed motion pursuant to Cal. Civil Code Section 1794(d). If a motion is needed, this shall not be construed as a waiver of FCA’s rights to assert arguments in opposition thereto based on the reasonableness of the fees, costs or expenses sought.

4. FCA will waive all claims it may have for costs and fees in this action.

5. Failure to accept this Offer of Judgment will result in FCA claiming all benefits accruing to it under Rule 68 of the Federal Rules of Civil Procedure should Plaintiffs not achieve a more favorable result at the trial of this action.

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6. This Offer of Judgment is made for the purposes specified in Fed. R. Civ. P. 68, and will be deemed withdrawn unless written notice of acceptance of this offer is made in the applicable time period set forth by law (within fourteen (14) days of the date that it was served). Plaintiffs' acceptance of FCA's Offer of Judgment must be made in writing, and may be indicated by the signature of Plaintiffs' counsel below.


Dated: September 6, 2023 GORDON REES SCULLY MANSUKHANI, LLP

/s/ Eric Tsai  
Spencer P. Hugret  
Eric Tsai  
Timothy A. Hanna  
Attorneys for Defendant  
FCA US LLC

I hereby accept the above offer on the terms stated on behalf of Plaintiff.

DATED: October 11, 2023

STRATEGIC LEGAL PRACTICES, APC

By:   
Tionna Dolin  
Attorneys for Plaintiffs  
MIKE VISMAN and  
NANCY VISMAN

Gordon Rees Scully Mansukhani, LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

**CERTIFICATE OF SERVICE**

*Mike Visman, et al. v. FCA US LLC, et al.*

USDC Eastern District of California Court Case No. 2:23-cv-01346-KJM-DB

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: Gordon Rees Scully Mansukhani, LLP, 275 Battery Street, Suite 2000, San Francisco, CA 94111. On the date below, I served the within documents:

**DEFENDANT FCA US LLC'S OFFER OF JUDGMENT PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 68**

- ☒ by transmitting VIA ELECTRONIC MAIL from [larago@grsm.com](mailto:larago@grsm.com) the document(s) listed above to the email address(es) set forth below on this date before 5:00 p.m. (*Per agreement of the parties.*)
- ☐ by having Nationwide PERSONALLY DELIVER the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in United States mail in the State of California at San Francisco, addressed as set forth below.

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*Attorney for Plaintiffs*

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 6, 2023 at San Francisco, California.



Lydia Arago Schou